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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 662,478	09/15,2000	Patrick J. Venta	UMV-1226CPPCUS	3602

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LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

EXAMINER

TUNG, JOYCE

ART UNIT PAPER NUMBER

1637

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/662,478

Applicant(s)
Venta et al.

Examiner
Joyce Tung

Art Unit
1637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 15, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-45 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-40 and 45 is/are allowed.
- 6) ☒ Claim(s) 41-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Preliminary Report on Patentability (PCT/ISA/No. 102) of Application No. _____

* If the International Preliminary Report on Patentability (PCT/ISA/No. 102) of the application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ A copy of the International Preliminary Report on Patentability (PCT/ISA/No. 102) of the application has been received.
- ☐ A copy of the International Preliminary Report on Patentability (PCT/ISA/No. 102) of the application has been received in Application No. _____
- ☒ A copy of the International Preliminary Report on Patentability (PCT/ISA/No. 102) of the application has been received in this National Stage application from the International Preliminary Report on Patentability (PCT/ISA/No. 102) of Application No. _____

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DETAILED ACTION

1. The preliminary amendment filed 9/15/2000 has been entered. Following the entry of the amendment, claims 30-45 are pending.

Information Disclosure Statement

2. In the PTO-1449 filed 12/3/2000, there is a list of EMBL Database A16 and D15 which were not considered because there is no publication date which is required for all the references listed in the PTO-1449.

Claim Rejections - 35 USC § 112

- 3 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 41-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claims 41-44 are vague and indefinite because of the language “at nucleotide 937 of the

claims be amended to recite a nucleic acid sequence with SEQ ID NO. 1. It is suggested that

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Allowable Subject Matter

5. Claims 30-40 and 45 are allowable.
6. The following is a statement of reasons for the indication of allowable subject matter:

No prior art has been found teaching or suggesting an isolated nucleic acid molecule encoding mutated canine von Willebrand Factor polypeptide which causes canine Von Willebrand's disease and the nucleic acid is hybridized under high stringency conditions to the complementary sequence of SEQ ID NO: 1 having a mutation at nucleotide 937 and a vector comprising the isolated nucleic acid molecule hosted in a cell.
7. The references of Bonthron et al. (Nucleic acid research, 1986, Vol. 14(17) and Mancuso et al. (The journal of biological chemistry, 1989, Vol. 264(23), pg. 19514-19527) are made of record as references of interests because the nucleic acid sequence disclosed in the above references comprises SEQ ID NO: 23 and 25 (See the attached search report).

Summary

8. Claims 30-40 and 45 are allowable and claims 41-44 are not allowable.
9. The CRF filed 3/4/2003 complies with the Sequence Rules.
10. The drawings filed 9/15/2000 are approved.
11. Any inquiries concerning this communication or earlier communications from the

examiner can normally be reached on Monday-Friday from 8:00 AM-4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached at (703) 308-1119 on Monday-Friday from 10:00 AM-6:00 PM.

Any inquiries of a general nature or relating to the status of this application should be directed to the Chemical/Matrix receptionist whose telephone number is (703) 308-0196.

12. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Art Unit 1637 via the PTO Fax Center located in Crystal Mall 1 using (703) 305-3014 or 308-4242. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989).

Joyce Tung

June 25, 2003


ETHAN WHISENANT
PRIMARY EXAMINER